



Docket No.: 58799-098

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
Atsushi TAKANE, et al.	:	Confirmation Number: 8082
Application No.: 10/681,116	:	Group Art Unit: 2881
Filed: October 09, 2003	:	Allowed December 15, 2004
	:	Examiner: J. L. Smith
For: CHARGED PARTICLE BEAM APPARATUS	:	

**COMMENTS RESPONSIVE TO STATEMENT OF  
REASONS FOR ALLOWANCE  
UNDER 37 C.F.R. § 104(e)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The December 15, 2004 Notice of Allowability regarding the above-identified application included a Statement of Reasons for Allowance. Entry of that Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the stated reasoning.

It is noted that the Notice of Allowability form (PTOL-37) correctly indicated allowance of all pending claims 50-55. However, the discussion of "Allowable Subject Matter" on pages 2 and 3 did not reference all of the allowed claims. The initial listing of claims (item # 1) refers only to claims 51-55. The further discussion (item # 2) refers to a "claim 1" (middle of page 2) and to claims 51-55 (top of page 3).

No.: 10/681,116

The allowed claims are claims 50-55. The patentability thereof should be reasonably apparent, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Keith E. George", is written over the printed name.

Keith E. George  
Registration No. 34,111

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
202.756.8603 KEG:apr  
Facsimile: 202.756.8087  
**Date: March 15, 2005**